

NEWS NOTES

OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

Vol. 8, No. 1, January-February, 1956

Philadelphia, Pa.

Naturalization Policy Reversed

Ike Ignores Amnesty Plea

The bipartisan policy of refusing even serious consideration of granting an amnesty to the violators of the World War II draft law continued without a break through the 1955 Christmas season. The policy has been in force since President Truman granted about 1,500 pardons on an individual basis at Christmas time in 1947.

The power to grant amnesty rests with the President. A picket line of about thirty persons marched in front of the White House December 10 requesting that President Eisenhower grant a Christmas amnesty. As in past years when the requests were made in a less spectacular manner, Christmas came and went without an amnesty.

The White House demonstration was sponsored by the Catholic Worker, Fellowship of Reconciliation, Socialist Party, War Resisters League, Women's International League for Peace and Freedom, and the Workers Defense League.

Leadership in organizing the demonstration was given by the staff of the W.R.L. Charles Walker, executive secretary of the Middle Atlantic Region of the F.O.R., was captain of the picket line. Jim Peck and Ralph Di Gia, both of New York City, lead the marchers. Peck was dressed as Uncle Sam handing a large Christmas package labeled "Amnesty" to Di Gia who was wearing a convict's striped suit.

Police officers, some in uniform and some in plain clothes, nearly out-numbered the pickets. No automobiles were allowed to stop and observe the demonstration. One man, recognized from similar previous activity and presumed to be an FBI agent, took numerous photographs of the marchers.

News photographers and reporters were also present. The wire services carried a release on the demonstration so that brief news stories resulted in a number of papers across the country. Large circulation papers in New York City and Philadelphia carried the story, but the Washington press ignored it.

The pickets carried signs asking for amnesty and denouncing war. Leaflets were passed out to persons passing by the White House. The leaflet pointed out that "... nearly 13,000 men still have not been pardoned for a war-time offense. Of these, more than 4,500 were obeying the supreme law of conscience when they violated the law.

"Army deserters have been granted amnesty. Nazis have been granted amnesty. Yet 10 years after the war, men acting in obedience to deeply held religious principles are among those who still carry the brand of felon."

Justice Department Backs Down on C.O. Work Clause Interpretation

The Immigration and Naturalization Service of the Department of Justice has reversed its administrative decision that conscientious objectors seeking citizenship must be willing to work in munition factories. Until near the end of 1955 the Naturalization Service ruled that the civilian work oath taken by objectors implied a willingness to do any work outside of the armed forces. The Central Committee for Conscientious Objectors has maintained that such an interpretation of the law was contrary to the intent of the statute.

The reversal in policy by the Department of Justice followed decisions by two judges who made cogent rulings against the interpretation of the Naturalization Service. The decision in the Leidenfrost case by Judge J. Joseph Smith of U.S. District Court in Conn. was reported in the December, 1955, issue of NEWS NOTES.

In overruling the adverse recommendation of the Naturalization Service in the Otto Jost case the court's reasoning was similar to that of Judge Smith. In the Jost decision by Judge Edward L. Kellas of the Superior Court for the County of Fresno, California, the judge held, "Questions propounded by the Government and by the Court itself on the point of whether or not the Petitioner would perform work in a munitions factory were not pertinent, except to show the mental attitude or the belief of the petitioner. It is the view of the Court that the Government has no right to attempt to read something into this statute which is not, in fact, there, or to attempt to interpret it and base a denial of a Petitioner's petition upon an answer thereto which is contrary to what the Government felt the answer should be."

The Immigration and Naturalization Service has now issued instructions that a petitioner for naturalization who expresses willingness to perform work of national importance under civilian direction will not be interrogated further regarding the type of such work he is willing to perform. The cases of such petitioners, including those who are unwilling to work in a munitions or defense plant, will be presented to the courts with favorable recommendations.

This new policy again clears the way for the naturalization of objectors willing to do civilian work. It

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CCCO Secretary Resigns

The Central Committee for Conscientious Objectors has accepted the resignation of Lyle Tatum, the CCCO executive secretary. The resignation is effective January 15. This issue of NEWS NOTES is the last one to be edited by Tatum.

Lyle Tatum was appointed executive secretary in October, 1950, following the resignation of Caleb Foote. Before coming to CCCO he was the superintendent of Quakerdale Farm, a home for boys located in Iowa. He now returns to that field of service to become the superintendent of the Protestant Home for Children in Buffalo, New York.

The Buffalo institution serves dependent and neglected boys and girls of all school ages. It has a normal population of more than a hundred youngsters and a staff of thirty-five persons.

A new executive has not yet been selected. The services of CCCO will be maintained by Carl Dahlgren, the administrative assistant, and Amy Kurkjian, office secretary, pending the appointment. Lyle Tatum will be available on a consultative basis as needed, and all requests for assistance will continue to be given prompt consideration.

Lyon Visits I-A-O's

Robert Lyon, field secretary for the C.O. Services Program of the American Friends Service Committee, visited the basic training center for I-A-O's December 6. The center is located at Fort Sam Houston in San Antonio, Texas. All men inducted into the army with a I-A-O classification (conscientious objector available for noncombatant duty) are sent to Fort Sam Houston for the first eight weeks of basic training in the Medical Training Center. The majority of the I-A-O's are also given advanced training at Fort Sam Houston to prepare them for work in the medical service.

The visit by Lyon was part of the CCCO-AFSC cooperative program for being of service to I-A-O's and keeping in touch with the basic training program so that competent counseling is available for C.O.'s considering that position. An AFSC C.O. Services staff member or the CCCO secretary visits Fort Sam Houston at least once every six months.

Lyon reports that the I-A-O training program continues to operate smoothly with the Army obviously showing that they have gained valuable experience in how to work with these men. There have been no court-martial of I-A-O's for actions arising from conscientious objection since the program was transferred to Fort Sam Houston. During the past year the two or three inductees who could not conscientiously cooperate in any way have been discharged.

The program at Fort Sam Houston was organized early in 1954 on the basis of 140 I-A-O inductees per month. However, at the present time a new training period is being started about every three weeks with an average enrollment of 45 men. There were 137 conscientious objectors in the first eight weeks basic training program as of last November 1.

C.D. Objectors Convicted

Magistrate Hyman Bushel in New York City December 22 found 19 pacifists guilty of violating the New York State Defense Emergency Act. Bushel also ruled that Joan Hamilton was innocent of the charges. Seven other defendants pleaded guilty. Of Mrs. Hamilton the magistrate said he was ruling with his heart rather than his head because she is pregnant.

The charges grew out of the refusal of the pacifists to participate in the mock air-raid drill last June 15. New York is the only state with a compulsory law for civilian defense participation. (For details of the trial see NEWS NOTES for December, 1955.)

Bushel gave a suspended sentence to the defendants stating that he thought the conviction would give adequate warning that motives, however sincere or worthy, cannot justify practices inconsistent with the peace or safety of the state. The maximum penalty possible is a year imprisonment and \$500 fine.

At the sentencing the magistrate praised the work of Dorothy Day, leader of the Catholic Worker Movement and one of those who pleaded guilty. He stated that he wished she had not entered a guilty plea so he could have dismissed the charges against her.

The defendants' brief argued that the civilian defense law, at least in as much as applied to the defendants, was unconstitutional under both the Federal and the New York State Constitutions. Magistrate Bushel read his written opinion overruling these contentions. He pointed out that the courts have held that although the government cannot interfere with religious beliefs and opinions, it is constitutional to regulate practices which may stem from religious beliefs.

Bushel noted that some of the defendants did not base their objections on religious grounds. Although he evidenced his distaste for such nonreligious objections, the magistrate noted that the law was the same irrespective of the basis of the objections.

The magistrate stated that in his opinion City Hall Park at the time of an air-raid drill promulgated in the interests of national defense was hardly an appropriate place at which to demand the free exercise of ancient rights.

The Defense Committee has announced that the convictions will be appealed. The suspended sentences eliminated the need for bail while the appeal is pending. A total of more than \$40,000 in bail was required while the case was pending against these defendants charged with sitting quietly in a city park when told to go to a mock air-raid shelter for ten minutes of a mock air-raid drill.

NATURALIZATION POLICY REVERSED

(Continued from page 1)

does not solve the problem of those absolutists who take the nonregistrant position or those persons such as the Jehovah's witnesses who as a matter of vocation will not allow the government to dictate the type of job they should be doing. This problem is not one of statutory interpretation by the Naturalization Service. Only a change in the law can allow these aliens to become citizens.

HANDBOOK

for

CONSCIENTIOUS OBJECTORS

Still available and still a must for those who want to know the details on C.O. classification and just what a C.O. does in the army, in prison, or in civilian service.

35c, 3 for \$1.00, postpaid

ORDER FROM CCCO

Briefly Noted

Although we have not had a complete report on Christmas cards to C.O.'s in prison, we did hear from one man on his total as of December 18. At that time he had received 143 cards from 23 states, the District of Columbia, England, Germany, Denmark, and Canada.

* * *

The Friends Committee on National Legislation has published *A Political Action Handbook* which will be of interest to many readers of NEWS NOTES. The 14-page booklet is designed to help the citizen be effective in working for the political results he wishes. Copies may be obtained for 10c from the FCNL at 104 C Street, N.E., Washington 2, D.C.

* * *

The Church Peace Mission, National Service Board for Religious Objectors, and Central Committee for C.O.'s have cooperated in publishing a leaflet for chaplains in the armed forces. The leaflet attempts to present concise information on conscientious objection which will help a chaplain who needs to counsel C.O.'s on procedures for them in the armed forces. The various chaplains' offices of the branches of the armed forces have agreed to make the availability of the leaflet known to chaplains.

This leaflet is not intended for general circulation since its usefulness is limited to the specific purpose for which it was written, but sample copies are available free of charge upon request from CCCO.

* * *

Another ex-prison C.O. has been granted the right to practice before the Treasury Department as a C.P.A. The application was first turned down, but a later decision indicated that there had been a decision that the applicant was "rehabilitated."

* * *

The C.O. Services Program of the American Friends Service Committee has revised and reissued the mimeographed memorandum on details of the doctors' draft for C.O.'s. Copies are available free of charge upon request from CCCO.

* * *

CCCO has received one of the soundest excuses for not contributing to our work. One of our friends writes,

Vern Davidson Incarcerated

A long and hard fought legal battle ended December 5 when Vern Davidson reported to Federal officials in Los Angeles to begin serving a three year prison sentence for refusal to submit to induction. Davidson's case had been before the Ninth Circuit Court of Appeals twice and before the United States Supreme Court twice.

The conviction finally stood when the Ninth Circuit ruled that he did not fit the statutory definition of a conscientious objector, and the Supreme Court refused to review that decision. Defense Attorney J. B. Tietz made a last minute effort to get the sentence changed to probation, but Judge Harry C. Westover denied the motion for change of sentence. Davidson was working in a state hospital in Berkeley, California, when sent to prison.

Classification as a conscientious objector was denied Davidson because his objections were political and ethical rather than religious in an orthodox sense. The draft law requires that in order to be recognized as a C.O. the objection must be religious.

Thirteen members of the Socialist Party picketed the Los Angeles Hall of Justice December 10 in protest against the incarceration. Davidson has been active in the Socialist Party. He is a former secretary of the Young People's Socialist League. He was a Socialist candidate for the Los Angeles Board of Education in 1953. He ran for a position on the Berkeley City Council in 1955 while his case was on appeal before the courts.

Integration Improved at F.C.I.

Conscientious objectors serving sentences in federal prisons have frequently been concerned about remainders of racial segregation in the institutions. In a number of instances C.O.'s have taken direct action in an effort to further integration.

Joel Doty, recently released from the Federal Correctional Institution at Texarkana, Texas, reports that the Bureau of Prisons has now taken steps for complete racial integration at that institution and that the integration policy is working.

The Bureau's official policy has been to gradually eliminate all racial discrimination. Housing in the institutions has been the last stronghold of segregation and the sole remaining evidence of discrimination in most of the institutions.

"Sorry I cannot contribute to anything at present. Have just been held up and robbed by a couple of sailors."

* * *

The first issue of *Liberation*, a pacifist oriented magazine of political content will come out in February. A. J. Muste, CCCO co-chairman is one member of the editorial board. Number one on the list of assumptions on which the new magazine is based is "The world can move decisively in our time toward the abolition of war and toward a society built on responsible freedom, mutuality, and peace. Spiritual apathy and political defeatism must be overcome."

The magazine is a monthly. Subscriptions are \$3.00 per year. For subscriptions or further information write 110 Christopher Street, New York 14, New York.

THE COURT REPORTER

I PROSECUTIONS

Sentences

(No sentences have been reported to NEWS NOTES since the December issue of The Court Reporter.)

Sentence started, previously convicted
12-5-55 Vern Davidson

Arrests

Iowa—Clemens L. Bontreger
Pennsylvania—Richard Downham

II RELEASED FROM PRISON

On Parole

12-20-55 Joel Doty
12-20-55 Paul Doty
12-20-55 Sid Doty
12-20-55 Orin Doty

III MEN CURRENTLY IMPRISONED

Danbury, Conn.—Samuel Shelton
Federal Detention Headquarters, New York City—
John Bendik
Mill Point, W. Va.—Enos Yoder, Levi Lehman,
Abraham Bontrager
Springfield, Mo.—Clarence Bryan, John Forbes
Tallahassee, Fla.—Thomas Tamblyn
Tucson, Ariz.—James Francy
Institution not verified—Vern Davidson
Total number of C.O.'s convicted since 1948 to
date: 304 (This is a minimum number, since
J.W.'s and Muslims are not included, and we
miss a few.)

Gonzales Joins Army

When the United States Supreme Court reversed the conviction of Joe Gonzales last March 14 a new high was reached in obtaining due process of law for conscientious objectors under the draft. (See NEWS NOTES, April, 1955.) The decision caused the reprocessing of almost every disputed C.O. classification.

Gonzales has now volunteered for army duty. He is

Quakers Pay Palmer Fine

Clarence E. Pickett and George A. Walton solicited funds from members of the Society of Friends to pay the \$500 fine levied against T. Vail Palmer, Jr. Palmer, an active member of the Society of Friends, was fined \$500 and placed on probation for three years following his second conviction for conscientious refusal to cooperate with the draft law.

Both Clarence Pickett and George Walton testified at Palmer's trial. They testified as character witnesses and as leaders of the Society of Friends well acquainted with Friends' beliefs in relation to war and conscription. When the fine was levied they decided that it should be a responsibility shared among Quakers.

When the Supreme Court refused to review the Palmer conviction, the Vail Palmer Fund was established to receive contributions for payment of the fine. The Friends Peace Committee agreed to handle the Fund, and an appeal letter signed by Clarence Pickett and George Walton was sent to about 200 Friends.

The appeal letter pointed out that Vail Palmer "... has lived the Quaker peace testimony according to the light given him and in a way supported by the pronouncements of the Society of Friends. The members of the Society of Friends have shared in these pronouncements. We believe you will now want to share with us in this payment which, when compared with time spent in prison, is a small part of the cost of taking a stand based on the peace testimony."

The \$500 necessary to pay the fine was raised promptly. \$500 extra which was given will be contributed to the Special Defense Fund of the Central Committee for Conscientious Objectors. CCCO paid the costs of carrying the Palmer appeal through the courts.

quoted as saying, "When the high court and officials of this land are willing to go so far to protect my rights, I am willing to defend the Constitution." Gonzales reports that he still objects to killing, but that he is willing to defend his people. He will probably serve in a noncombatant capacity in the army.

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